

Remarks

Claims 1-47 were pending in this application at the time of the August 9, 2006 office action. Claims 1, 29, 31, 38, 39 and 40 are here amended, claims 28, 30 and 44 cancelled, and claims 48-50 added, leaving claims 1-27, 29 and 31-50 in the case.

Claims 1 through 5, 8 through 24, 26 through 31, and 39 through 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Givoni (U.S. Patent No. 6,978,578). The Examiner argues, with respect to claim 1, that Givoni shows a panel unit comprised of a pair of spaced apart panels and light-controlling members positioned between the panels and mounted for rotation about their longitudinal axes.

Independent claim 1 has been amended to require the presence of at least one pair of opposed elongated carriage members having a series of scalloped surfaces positioned between the panels to define angular openings for supporting the longitudinal members. This feature of paired scalloped carriage members is neither taught nor suggested in the Givoni system which uses a lower cross-member 8 having a series of curved recesses and a flat upper cross-member 9. Furthermore, Givoni specifically requires that a gap be provided between the lower surface of upper cross-member 9 and rings 20 which are supported by the lower cross-member 8.

While the above-described amendment to claim 1 is directed to an important feature of the present invention and narrows claim 1 from its original coverage as noted above, this amendment is made without prejudice to filing a continuation application in which allowance of claim 1 in its original form may be pursued.

Claims 2 through 5, 8 through 24, and 26 through 31, which are dependent on claim 1, are believed to be patentable for at least the reasons advanced above regarding the patentability of claim 1. Additionally, with respect to dependent claim 27, which calls for

light-blocking surfaces which are semi-opaque (passing a limited amount of light per paragraph 0065 of the application), Givoni neither teaches nor suggests such a feature. With respect to claim 31, which calls for the carriage members to be made of a low-friction material or to be coated at the scallops with a slippery coating, Givoni neither teaches nor suggests such a feature. Finally, with respect to claim 45, which calls for the light-blocking surfaces of a plurality of the light-controlling members to be segmented to each include at least one transparent/translucent segment and at least one opaque segment, Givoni neither teaches nor suggests such a feature.

Although independent claim 38 is included in the list of claims rejected as anticipated by Givoni, the Examiner does not indicate the reason for rejection under 35 U.S.C. 102(e) of this claim. However, it is noted that claim 38, as amended, is believed to be patentable for the reasons advanced below with respect to amended claim 39.

The Examiner argues, with respect to the rejection of claim 39 over Givoni, that this reference discloses, in addition to a panel unit with spaced apart panels and elongated tubular light-controlling members rotatable about their longitudinal axes, circular engagement surfaces on the light-controlling members in contact with engagement surfaces of adjacent light-controlling members, and gear boxes that rotate the light-controlling members by imparting rotary motion to at least one of the elongated members.

Givoni, however, requires in addition to a gear box, a series of worm wheels keyed to coupling members (feature 58) which constitute the drivers of the elongated members. Claim 39, as amended, requires means for rotating the light-controlling members by imparting rotary motion to one of the members and transmitting that rotary motion across engagement surfaces of adjacent light-controlling members. Givoni neither teaches nor suggests this feature which eliminates the need for separate drivers for each elongated tube and hence the

associated expense, weight, and degraded light control at the location of the coupling members.

While the above-described amendment to claim 39 is directed to an important feature of the present invention and narrows claim 39 from its original coverage as noted above, this amendment is made without prejudice to filing a continuation application in which allowance of claim 39 in its original form may be pursued.

The Examiner argues, in rejecting independent claim 40 over Givoni, that Givoni shows a panel unit with spaced apart panels, a plurality of light-controlling members mounted for rotation about their longitudinal axes and gear boxes that rotate the light-controlling members. Furthermore, by eliminating the separate drivers, the elongated tubes may extend all the way to the end of the panels, avoiding gaps in the light-blocking provided by the light-controlling members. Claim 40, as amended, requires a plurality of light-controlling members having at least one substantially light-blocking surface in which the light-blocking surface is segmented into at least one transparent/translucent and at least one opaque portion. Givoni neither teaches nor suggests such a feature which, as explained in the present application at paragraph 0054, makes it possible to maintain a lighted area at all times, notwithstanding the position of the elongated member with the transparent/translucent segment.

While the above-described amendment to claim 40 is directed to an important feature of the present invention and narrows claim 40 from its original coverage as noted above, this amendment is made without prejudice to filing a continuation application in which allowance of claim 40 in its original form may be pursued.

Claims 41-~~43~~ and 45, which are dependent on claim 40, are believed to be patentable for at least the reasons advanced above regarding the patentability of claim 40.

In rejecting claim 46, the Examiner again argues that Givoni shows a panel unit with spaced apart panels, a plurality of light-controlling members mounted for rotation about their longitudinal axes and gear boxes that rotate the light-controlling members. Claim 46, as amended, requires that the plurality of light-controlling members be mounted for rotation about their longitudinal axes by the direct application of rotary motion to a single one of the light-controlling members. By eliminating the separate drivers of Givoni, the elongated tubes may extend all the way to the ends of the panels, avoiding gaps and resulting degradation of the light-blocking provided by the light-controlling members.

Claim 6 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied above. The Examiner argues in support of this rejection that Givoni discloses the use of the panel unit for construction of walls, roofs, awnings, skylights, windows and the like and that the choice in claim 6 would have been obvious in view of Givoni. In response, it is submitted that claim 6 is patentable at least in view of the patentability of claim 1 (from which claim 6 depends) over Givoni.

Independent claim 38, as amended, calls for means for imparting rotary motion to one of the light controlling members in the unit and transmitting that rotary motion across the engagement surfaces of adjacent light controlling members. As explained above, Givoni requires a series of worm wheels keyed to coupling members (feature 58) which constitute the drivers of the elongated members. Claim 38, as amended, eliminates the coupling members and drivers to provide a simpler, more lightweight and more effective light-controlling system and is therefore believed to be patentable over the teaching of Givoni.

Claim 7, which is rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied above and further in view of Man (U.S. Patent No. 4,889,040), is believed to be patentable for at least the reasons advanced above regarding the patentability of claim 1.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied above and further in view of Gillard (U.S. Patent No. 5,221,363). Claim 25 requires that the light-blocking surfaces of the light-controlling members include photovoltaic solar cells. Givoni does not teach or suggest such a feature. However, the Examiner argues that Gillard teaches a window fitting with solar cells attached to the slats of a window blind and that it would have been obvious to apply this teaching to the Givoni device. Gillard, however, describes solar cells secured to the slats of a conventional window blind and neither teaches nor suggests including photovoltaic solar cells in light-blocking surfaces of light controlling members with engagement surfaces in contact with adjacent light controlling members which may be rotated by imparting rotating motion to at least one of the light controlling members.

Claims 32 through 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied above and further in view of Metzen et al. (U.S.P.G. Pub. 2002/0129553). The Examiner acknowledges that Givoni does not teach or suggest cogwheel cross-sections on the light-controlling members. He argues, however, that Metzen teaches a louver system in which a plurality of blades are turned using a cogwheel system as shown in Figs. 4 and 14 of that patent. The Metzen cogwheel system, however, requires that the blades be turned with a belt, chain, rope or toothed rack (paragraph 0010) and therefore the teaching of Metzen et al. is remote from the coverage of the rejected claims in which the engagement surfaces comprise bands of high coefficient of friction material positioned in alignment on adjacent light controlling members (claim 32), or elongated tubes having a cogwheel cross-section including a series of teeth extending along their length so that the light transmitting members themselves intermesh to transmit motion imparted to one member across the plurality of inter-meshed light controlling members (claims 34 and 35).

With specific reference to claims 34 and 35, the Examiner further argues that it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a cogwheel cross section as in Metzger throughout the tubular light-controlling member of Givoni “because the cross sectional shape allows for better meshing of the member and the gears in Givoni discloses a variety of light-controlling member shapes.” Applicant respectfully traverses this argument. Metzger et al. is not properly combined with Givoni, in the sense that it uses louver blades, not elongated tubes to produce light control. Furthermore, Metzger’s “cogwheels” or gears 28 are mounted on a shaft 23 onto which the louver blades are in turn attached. A cogwheel cross-section could not be applied to the louver blades since they extend generally in a plane, and present no annular surface that could be rendered in the cogwheel configuration. Givoni, on the other hand, does not contemplate any modification of the shape of its elongated tubes, but rather uses gears which are separate from the tubes. Therefore, there would be no reason for one skilled in the art to reshape the Givoni tubes in view of the teaching of Metzger et al.

Claims 36 and 37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Givoni as applied above and further in view of Konstantin (U.S. Patent 5,437,129). These claims are believed to be patentable in view of the patentability of claim 1 from which they depend.

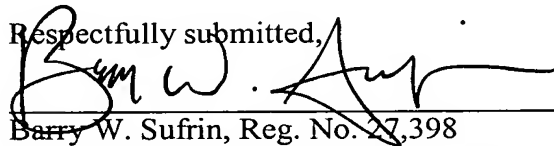
Finally, it is noted that new claims 48-50 are introduced into this case. New claim 48 calls for an elongated carriage member with a series of scalloped surfaces positioned above the panels with individual light-controlling members received for rotational movement within corresponding scalloped surfaces in the carriage member. New claim 49 call for at least one unopposed elongated carriage member positioned between the panels and above the light-controlling members. Finally, new claim 50 calls for scalloped surfaces in the unopposed

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carriage member of claim 49. Support for these new claims appears in the specification, in paragraphs 0061 and 0062 and in Figures 11A, 11B, 12A and 12B. As explained there, the noted Figures show a series of pairs of carriage members clamped together, including a top scalloped carriage member. Also, as pointed out in paragraph 0062, the carriage members may be used singly.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

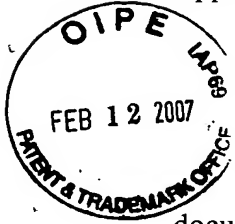
Respectfully submitted,



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I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Mark Marlowe

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